

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Carlton Leon Hammonds, Jr.,

Plaintiff,

v.

SIS Tech C. Ross; E Slater, D.H.O.;
Regional Director Federal Bureau of
Prisons; Thomas R Kane, Director of Bureau
of Prisons;

Defendants.

C/A No.: 2:17-cv-02363-TLW

ORDER

Plaintiff Carlton Leon Hammonds, Jr., proceeding *pro se* and *in forma pauperis*, filed this action seeking damages and injunctive relief against several federal prison officials. ECF No. 1. The matter now comes before this Court for review of a Report and Recommendation (R&R) filed by Magistrate Judge Baker, ECF No. 36, to whom this case was assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), DSC. In the R&R, the Magistrate Judge recommends that the Court dismiss Plaintiff's complaint for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See* ECF No. 36. Objections to the R&R were due on June 12, 2018. However, the R&R was returned as undeliverable on June 12, 2018. *See* ECF No. 38. The Court promptly mailed the R&R to Plaintiff's corrected address on that same day, June 12, 2018. *See* ECF No. 39. On June 15, 2018, after mailing the R&R to Plaintiff's new address, the Court received a letter dated June 10, 2018, from Plaintiff confirming his new address and requesting that his case not be dismissed. *See* ECF No. 40. Plaintiff also stated that he "will have a response to the Motion to Dismiss as soon as possible." *Id.* To this date, Plaintiff has not filed an objection to the R&R or a response to the motion to dismiss.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's R&R to which a specific objection is registered and may accept, reject, or modify, in whole or in part, the recommendations contained in that R&R. 28 U.S.C. § 636. In the absence of objections to the R&R, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

This Court carefully reviewed the R&R in this case. While Plaintiff did not file objections, the Court notes that it did consider Plaintiff's letter, ECF No. 40, which states that Plaintiff intends to pursue his case. Despite this letter, the record clearly reflects that the R&R was mailed to Plaintiff's correct address on June 12, 2018, ECF No. 39, and that Plaintiff has not filed a response to the motion to dismiss or objections to the R&R. Moreover, nothing in the record indicates that Plaintiff did not receive the R&R.¹ Accordingly, dismissal is appropriate.

The Court adopts the reasoning of the R&R in full; however, the Court finds that dismissal without prejudice is appropriate for this case. Therefore, for these reasons and the reasons articulated by the Magistrate Judge, the R&R, ECF No. 36, is hereby **ADOPTED AS MODIFIED**, and Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

August 3, 2018
Columbia, South Carolina

¹ The Court notes that Plaintiff received earlier warnings as well. The record reflects that Plaintiff received the pending motion to dismiss and a *Roseboro* order, ECF No. 30, as well as court orders extending his time to file a response (which included a notice regarding Rule 41(b) and the possibility of dismissal), ECF Nos. 32, 35.